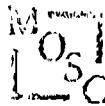


MEMO ENDORSED**Maynard, O'Connor, Smith & Catalinotto, LLP**

ATTORNEYS AT LAW

Michael E. Catalinotto
Stephen C. Prudente
Christopher K.H. Dressler
Thomas G. Daley
James R. Schatz
Bruce A. Dell
Concetta R. Lomanto
Edwin J. Tobin, Jr.
Michael E. Catalinotto, Jr.
Robert A. Ransoh

P.O. Box 180
Saugerties, New York 12177
(845) 246-3666
Fax (845) 246-0390

6 Tower Place
Albany, New York 12203
(518) 465-3553
Fax (518) 465-5845
www.moscllp.com

122 West Main Street
Johnstown, New York 12095
(518) 762-4212
Toll Free (800) 721-3553

Michael T. Snyder
Anne-Jo Pennoek McTague, RN
Fawn A. Arnold
Kerry-Ann N. Lawrence
Jessica R. Meigher
Alexander L. Stabinski
Crystal A. Doolity
Dana M. Romewski

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PLEASE REPLY TO
Saugerties Office

OF COUNSEL
Angelo D. Lomanto

Earl S. Jones, Jr. (1924-2004)

May 14, 2008

Re: Payne v. Dempsey Pipe et al
Case 1:08-cv-01933 KMK (SDNY)
Our File No. 149.25804

VIA FAX # 914-390-4152 ONLY

Hon. Kenneth M. Karas
United States District Judge
U. S. District Court, Courtroom 521
300 Quarropas Street
White Plains, New York 10601

Dear Judge Karas:

**USDS SDNY
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Pursuant to the instructions of Alicia of your office, I am faxing this letter to request that the status conference set for June 3, 2008 at 12:00 p.m. before Your Honor, be adjourned, on consent. I have two days of court ordered depositions scheduled beginning June 3, 2008 in Dutchess County. I would also ask that a telephone status conference be considered as my office is nearly 100 miles from the Court.

Thank you for your consideration in this matter.

Respectfully yours,

MAYNARD, O'CONNOR, SMITH & CATALINOTTO, LLP

By Michael E. Catalinotto, Jr.
Michael E. Catalinotto, Jr.
catalinottojr@moscllp.com

*Conference is adjourned
until Jul, 8, 2008 at 10:30
Mr. Catalinotto may participate
by telephone.*

So ordered.

[Signature]
5/16/08

MCJ:mrp/348471.1

cc: Kenneth Goldblatt, Esq. (via fax # 914-526-7800 only)